

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WILLIE GOOD,
Plaintiff,

v.

CIVIL ACTION NO. 19-11983-IT

BAY COVE HUMAN SERVICES, INC.,
Defendant.

REPORT AND RECOMMENDATION ON
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (#47).

KELLEY, U.S.M.J.

The complaint in this case was filed on September 18, 2019. (#1.) Defendant filed a motion to dismiss (#7) on November 19, 2019, to which plaintiff filed an opposition (#18) on December 2, 2019. A report and recommendation as to disposition of the motion to dismiss was issued on February 21, 2020. (#32.) On June 15, 2020, the district judge to whom this case is assigned adopted in part, and rejected in part, that report and recommendation. (#36.)

A scheduling conference was held today during which the dates for the completion of all fact discovery (December 15, 2020) and the filing of summary judgment motions (by January 29, 2021) were set. Also today, plaintiff filed a motion for summary judgment. (#47.) The summary judgment motion is premature; defendant will not be in a position to respond to the dispositive motion until after fact discovery has been completed on December 15, 2020.

At this juncture, the summary judgment motion should be denied without prejudice; plaintiff will be free to renew his motion after the close of fact discovery on December 15, 2020.

Recommendation.

For the reasons stated, I RECOMMEND that Plaintiff's Motion for Summary Judgment (#47) be DENIED WITHOUT PREJUDICE to renewal in accordance with the schedule set.

Review by the District Judge.

The parties are hereby advised that any party who objects to this recommendation must file specific written objections with the Clerk of this Court within 14 days of service of this Report and Recommendation. The objections must specifically identify the portion of the recommendation to which objections are made and state the basis for such objections. The parties are further advised that the United States Court of Appeals for this Circuit has repeatedly indicated that failure to comply with Rule 72(b), Federal Rules Civil Procedure, shall preclude further appellate review.

See Keating v. Secretary of Health & Human Servs., 848 F.2d 271 (1st Cir. 1988); United States v. Emiliano Valencia-Copete, 792 F.2d 4 (1st Cir. 1986); Scott v. Schweiker, 702 F.2d 13, 14 (1st Cir. 1983); United States v. Vega, 678 F.2d 376, 378-379 (1st Cir. 1982); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603 (1st Cir. 1980); see also Thomas v. Arn, 474 U.S. 140 (1985).

July 15, 2020

/s/ M. Page Kelley

M. Page Kelley

Chief United States Magistrate Judge